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November 12, 1996

Federal Communications Commission Office of Secretary

Mr. William F. Caton Acting Secretary Federal Communications Commission Room 222 1919 M Street, N.W. Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Reply Comments of the Association of American Railroads in CC Docket Number 96-98

Dear Mr. Caton:

Enclosed please find an original and eleven (11) copies of the Reply Comments of the Association of American Railroads in the above-captioned docket.

Please direct any questions that you may have to the undersigned.

Sincerely,

Thomas J. Keller

enclosures

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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

Federal Comunications Commission	
Office of Secretary	

In the Matter of) CC Docket No. 96-98
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	DOCKET FILE COPY ORIGINAL
Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers) CC Docket No. 95-185)

REPLY COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules, ¹/ respectfully submits these reply comments in response to comments submitted by the National Railroad Passenger Corporation ("Amtrak"), UTC, The Telecommunications Association ("UTC") and the American Public Power Association ("APPA") in the above-captioned proceeding. ²/ Amtrak, UTC and APPA filed comments in support of the Petition for Clarification of the Lower Colorado River Authority in this docket. ³/

^{1/ 47} C.F.R. §1.429 (1995).

^{2/} First Report and Order ("Interconnection Order"), FCC 96-325, CC Docket Nos. 96-98, 95-185 (Aug. 8, 1996), 61 Fed. Reg. 45,476 (1996), partial stay granted, lowa Utilities Board v. FCC, 1996 U.S. App. LEXIS 27953 (8th Cir. Oct. 15, 1996), petition for reversal of stay pending (U.S. Sup. Ct., filed Oct. 31, 1996).

^{3/} See Comments of the National Railroad Passenger Corporation (Amtrak) (Oct. 31, 1996); UTC Consolidated Comments on Petitions for Clarification (Oct. 31, 1996); (continued...)

AAR notes that Amtrak, UTC and APPA strongly support AAR's request that the Commission clarify ambiguous language contained in Paragraph 994 of the Interconnection Order regarding the definition of "telecommunications services" so that the sale or lease of excess capacity on private fiber or microwave facilities would not subject railroads to interconnection obligations. Moreover, no party to this proceeding has objected to AAR's request for clarification. AAR agrees with APPA's request that the Commission segregate this clarification from other issues on reconsideration to avoid delay in the resolution of this issue. ⁴ Therefore, AAR urges the Commission to clarify the meaning of Paragraph 994 by issuing a special notice or other comparable official release in an expeditious manner.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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Its Attorneys

Dated: November 12, 1996

^{3/(...}continued)

Reply Comments of the American Public Power Association in Support of Its Petition for Clarification or Reconsideration of the Commission's First Report and Order ("APPA Comments") (Oct. 31, 1996).

^{4/} See APPA Comments at 4.

CERTIFICATE OF SERVICE

I, Renee K. Kernan, a secretary with the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that on this 12th day of November, 1996, a copy of the Reply Comments of the Association of American Railroad was mailed, first-class, postage prepaid to:

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